

ENTERED

June 14, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARK JAMAL KEAREY,

Plaintiff,

VS.

BRYAN COLLIER, *et al*,

Defendants.

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CIVIL NO. 2:17-CV-00080

ORDER

Before the Court is the May 8, 2018, M&R of the Magistrate Judge to whom this action was referred. Dkt. No. 51. No party has filed objections to the M&R, and the time to file objections has passed. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections; FED. R. CIV. P. 72(b)(2) (same); *see also* Dkt. No. 51 at 25 (advising parties of the 14-day deadline).

After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the M&R in its entirety. Dkt. No. 51. The Court hereby:

- **GRANTS IN PART** Defendants' Amended Motion to Dismiss, Dkt. No. 35, and **DISMISSES WITH PREJUDICE** Plaintiff's (1) claims for money damages against Defendants Bryan Collier ("Collier"), Madeline Ortiz ("Ortiz"), Oliver Bell ("Bell"), Jennifer Smith ("Smith"), and Miguel Martinez ("Martinez") in their official capacities, (2) First Amendment and Religious Land Use and Institutionalized Persons Act ("RLUIPA") claims against Bell in his official capacity, (3) RLUIPA claims against Martinez and Defendant Rick B. Packard ("Packard") in their individual capacities, (4) First Amendment claims against Bell, Martinez, Smith, and Ortiz in their individual capacities, and (5) retaliation claim against Martinez in his individual and official capacities;
- **DENIES** Defendants' motion to dismiss in all other respects, Dkt. No. 35; and

- **DISMISSES WITH PREJUDICE** Bell, Martinez, Smith, and Ortiz from this action.

Given the foregoing, Plaintiff's remaining claims are (1) his RLUIPA and First Amendment claims against Collier in his official capacity and (2) his First Amendment and retaliation claims against Packard in his individual capacity.

SIGNED this 13th day of June, 2018.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

Hilda Tagle
Senior United States District Judge